

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

FILED BY CLERK

MAR -8 2007

COURT OF APPEALS  
DIVISION TWO

THE STATE OF ARIZONA,	)	
	)	
Respondent,	)	2 CA-CR 2006-0295-PR
	)	DEPARTMENT B
v.	)	
	)	<u>MEMORANDUM DECISION</u>
	)	Not for Publication
WARREN FRANK STAFFORD,	)	Rule 111, Rules of
	)	the Supreme Court
Petitioner.	)	
	)	

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PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20003420

Honorable Paul E. Tang, Judge

REVIEW GRANTED; RELIEF DENIED

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Robert J. Hooker, Pima County Public Defender  
By John F. Palumbo

Tucson  
Attorneys for Petitioner

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E C K E R S T R O M, Presiding Judge.

¶1 Petitioner Warren Frank Stafford was charged in a fourteen-count indictment with nine counts of sexual conduct with a minor younger than fifteen, two counts each of child molestation and continuous sexual abuse of a child younger than fourteen, and one count of sexual abuse of a minor. The alleged offenses occurred between 1996 and 1999

when the victim, Stafford's daughter, was approximately ten to thirteen years old. When Stafford was formally confronted with his daughter's accusations, he told a sheriff's deputy that "he didn't remember," that it was possible, and that it "could have happened."

¶2 On the first day of trial in 2001, defense counsel informed the court that Stafford had decided, based on counsel's recommendation, to waive his right to a jury. On the fifth day of the ensuing bench trial, the court found Stafford guilty of one count of sexual abuse of a minor and six counts of sexual conduct with a minor, all dangerous crimes against children. Stafford was sentenced in January 2002 to presumptive, mandatorily consecutive prison terms totaling 125 years' imprisonment. *See* A.R.S. § 13-604.01(K). We affirmed the convictions and sentences on appeal. *State v. Stafford*, No. 2 CA-CR 2002-0079 (memorandum decision filed July 10, 2003).

¶3 Stafford subsequently filed a petition for post-conviction relief pursuant to Rule 32, Ariz. R. Crim. P., 17 A.R.S. The petition alleged ineffective assistance of trial counsel, newly discovered evidence, and sentencing error. Finding that Stafford had alleged colorable claims, the trial court held a two-day evidentiary hearing, allowed counsel to file supplemental memoranda, and then heard oral argument. Thereafter, in a detailed written minute entry, the trial court denied relief, and this petition for review followed. We will not disturb the trial court's ruling except for a clear abuse of its discretion. *See State v. Watton*, 164 Ariz. 323, 325, 793 P.2d 80, 82 (1990).

¶4 In the petition for review, Stafford has abandoned some of the claims he raised below. He now seeks review only of the trial court’s ruling on his claim that trial counsel was ineffective (1) in advising Stafford to waive his right to a jury trial; (2) in failing to secure the testimony at trial of two additional witnesses, Emily and Molly Murphy; and (3) in both eliciting himself, and failing to object to, the state’s introduction of prior consistent statements by the victim, which arguably served to bolster her credibility.

¶5 The trial court analyzed Stafford’s ineffective assistance claims in depth, reviewed the evidence presented both at trial and at the Rule 32 evidentiary hearing, and properly applied the two-pronged test for ineffective assistance of counsel set out in *Strickland v. Washington*, 466 U.S. 668, 687-88, 104 S. Ct. 2052, 2064 (1984). For reasons explained fully in its written order, the court found Stafford had not shown counsel’s performance had fallen below an objective professional standard of care in any of the instances of ineffectiveness alleged. Even if it had, the court found, Stafford still had not demonstrated any prejudice to his defense resulting from counsel’s acts or omissions. Indeed, as the trial court noted, defense counsel’s efforts had led the court to direct a verdict of acquittal on six of the fourteen counts charged in the indictment and to find Stafford not guilty on a seventh. In short, the court found, Stafford failed to establish either element of the *Strickland* test and thus was not entitled to post-conviction relief.

¶6 There is no need to quote the trial court’s lengthy ruling. We approve it, and we find no abuse of its discretion in denying relief. Because the trial court clearly identified,

thoroughly analyzed, and correctly resolved all of the issues Stafford presented, nothing would be gained by our revisiting the lower court’s analysis of those issues. *See generally State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993) (when trial court has correctly ruled on issues raised “in a fashion that will allow any court in the future to understand the resolution[, n]o useful purpose would be served by this court[’s] rehashing the trial court’s correct ruling in a written decision”).

¶7 Accordingly, we grant the petition for review, but we deny relief.

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PETER J. ECKERSTROM, Presiding Judge

CONCURRING:

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J. WILLIAM BRAMMER, JR., Judge

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PHILIP G. ESPINOSA, Judge